

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**COALITION PLAINTIFFS’ RESPONSE BREIF ON LAW ENFORCEMENT
INVESTIGATIVE PRIVILEGE**

Coalition Plaintiffs file this Brief in Response to the State Defendants’ Brief on the Investigative Privilege (Doc. 1427).

Coalition Plaintiffs urge the Court to reject the State Defendants’ claim of privilege for the reasons set forth in the Curling Plaintiffs’ Response (Doc. 1438), which the Coalition Plaintiffs incorporate by reference. In further support for the rejection of the claim of privilege, the Coalition Plaintiffs submit as Exhibit A the Supplemental Declaration of Kevin Skoglund on the authenticity and provenance of files hosted on the internet which purport to include Cast Vote Records (“CVRs”) from the November 2020 General Election in Coffee County, Georgia. (¶ 2). Mr. Skoglund states that there is “significant evidence that the hosted files are authentic records from the November 2020 General Election in Coffee County.” (¶ 5). Mr. Skoglund states that the “hosted files list an upload/creation date of January 17, 2021,” which, if correct, means that

the files were exported sometime between November 3, 2020 and January 17, 2021. (¶ 18). Since CVR exports like the hosted files can only be generated using the Dominion Democracy Suite EMS and RTR software and only with the relevant election project files, Mr. Skoglund concludes, the hosted files were exported either while the EMS server was in Coffee County's possession, after the EMS server was removed from Coffee County's possession on June 8, 2021 (which would conflict with the listed upload/creation date), or by someone with access to a copy of the EMS RTR software and a copy of the election project file for the November 2020 General Election. (¶¶ 19, 20).

Coffee County's EMS server and ICC workstation are in the hands of the State Defendants, who refuse to divulge (or even explore) their contents. A forensic examination of these systems would likely reveal when the Cast Vote Records that now appear on the internet were generated (and abundant other evidence relevant to the Coffee County breach). The State Defendants' assertion of a "law enforcement privilege" should be rejected, and the State Defendants should be ordered to give Plaintiffs' experts immediate access to these systems and records.

Respectfully submitted this 28th day of July, 2022.

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CERTIFICATE OF COMPLIANCE AND SERVICE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14, and has been served on all counsel via the Court's electronic filing system.

This 28th day of July, 2022.

/s/ Bruce P. Brown
Bruce P. Brown

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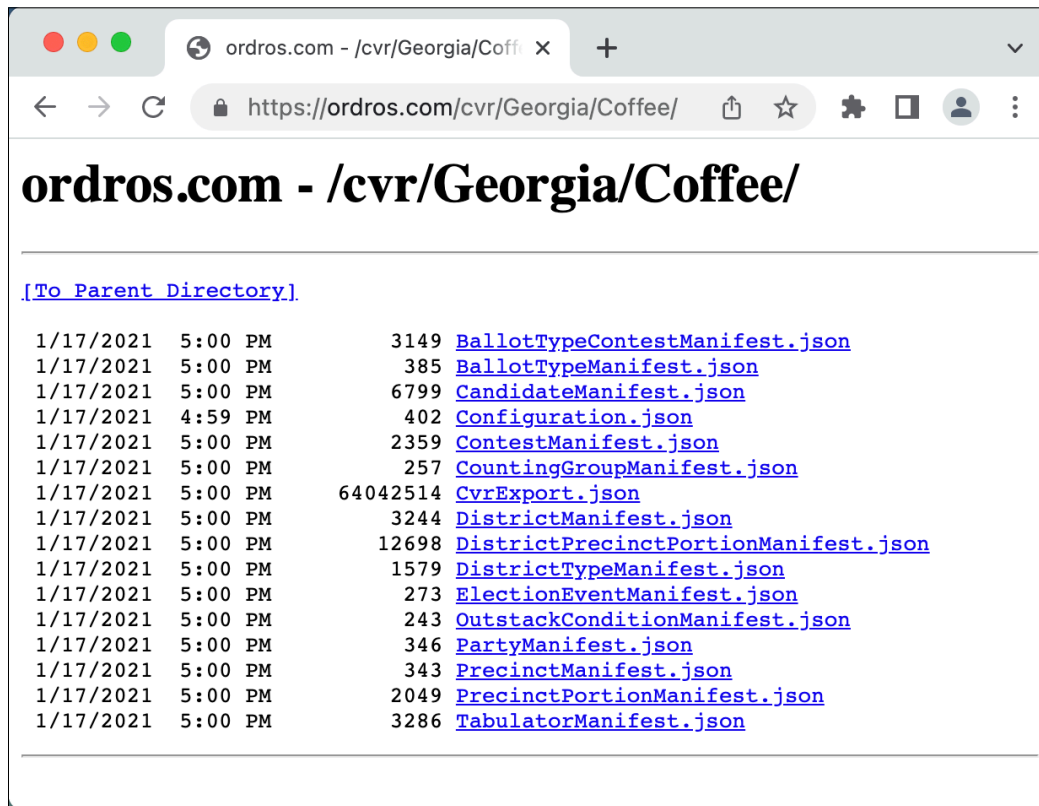
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SUPPLEMENTAL DECLARATION OF KEVIN SKOGLUND

KEVIN SKOGLUND declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I hereby incorporate my previous declarations as if fully stated herein. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
2. Plaintiffs asked for my expert opinion on the authenticity and provenance of files hosted at <https://ordros.com/cvr/Georgia/Coffee/> (“hosted files”) which purport to include Cast Vote Records (“CVRs”) from the November 2020 General Election in Coffee County, Georgia.

3. CVRs are a collection of data which show how a tabulator interpreted each ballot. In essence, they hold a digital record of votes cast in an election.
4. This is a screenshot of the hosted files taken by me on July 27, 2022.



5. There is significant evidence that the hosted files are authentic records from the November 2020 General Election in Coffee County.
6. The Dominion Democracy Suite Election Management System (“EMS”) includes the Results Tally & Reporting (“RTR”) software application. RTR opens an election project file—which defines the parameters for the election, precincts, tabulators, contests, candidates, and ballots—and

facilitates the import of election results from tabulators and the export of aggregated results in a variety of formats.

7. Inside RTR, a user can select the menu options for “Actions > Export > CVR Export” to export the CVRs which have been previously imported from tabulators. The CVR Export using default settings will create 16 JSON-formatted files with content that includes CVRs and structured data about the election, precincts, tabulators, contests, candidates, and ballots.
8. The hosted files are 16 JSON-formatted files whose filenames and content match what I expect from an RTR CVR Export.
9. The hosted file “ElectionEventManifest.json” indicates the export is from the “Coffee Nov 2020 General” election on November 3, 2020.
10. The hosted file “PrecinctManifest.json” lists the six Coffee County precincts: Ambrose, Bridgetown, Broxton, Douglas, Nicholls, and West Green.
11. The hosted file “ContestManifest.json” lists contests which were on the November 2020 General Election ballot in Coffee County, including “President of the United States”, “US Senate (Perdue)”, “US Senate (Loeffler) - Special”, “US House District 12”, “State Senate District 7”, “State House District 155”, and “State House District 169”.

12. The hosted file “CandidateManifest.json” lists candidates who were on the November 2020 General Election ballot in Coffee County, including “Donald J. Trump (I) (Rep)”, “Joseph R. Biden (Dem)”, and “Jo Jorgensen (Lib)”.
13. The hosted file “CvrExport.json” lists the expected EMS software version, 5.5.12.1, and an ElectionId of “Coffee Nov 2020 General”.
14. The hosted file “CvrExport.json” contains CVRs which each include a reference to a related image file located inside the directory “C:\NAS\Coffee Nov 2020 General\Results\”.
15. The hosted file “CvrExport.json” contains CVRs for 15,277 voting sessions which include votes that closely match the certified election results for Coffee County.
16. For example, this table shows the tally of votes for President of the United States before any adjudication of write-ins, undervotes, and overvotes.

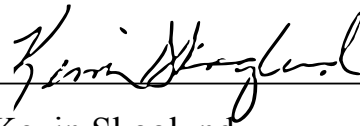
Donald J. Trump	10,577
Joseph R. Biden	4,510
Jo Jorgensen	125
Write-in	57
Undervotes	45
Overvotes	3

17. It is my opinion that the available evidence establishes that the hosted files are authentic records from the November 2020 General Election in Coffee County. I am aware of no evidence that they are not.
18. The hosted files list an upload/creation date of January 17, 2021. If the listed date is correct, then the hosted files were exported sometime between November 3, 2020 and January 17, 2021.
19. To my knowledge, CVR exports like the hosted files can only be generated using the Democracy Suite EMS and RTR software and only with the relevant election project file after the results from the tabulators have been imported.
20. Therefore, I conclude that the hosted files were exported either:
 - a. while the EMS server was in Coffee County's possession,
 - b. after the EMS server was removed from Coffee County's possession, which was represented to the court as occurring on June 8, 2021 (and which would conflict with the listed upload/creation date for the files),
 - c. by someone with access to a copy of the EMS RTR software and a copy of the election project file for the November 2020 General Election after the results from the tabulators had been imported.

21. *The Washington Post* and *The Daily Beast* reported that a group travelled to Coffee County on or around January 7, 2021 with the intention of copying Coffee County's EMS server.¹

22. It is possible that someone in this group exported the hosted files while in Coffee County, or that someone—in or out of this group—exported the hosted files afterwards using a copy of the EMS server.

Executed on this date, July 27, 2022.


Kevin Skoglund

¹ <https://www.washingtonpost.com/investigations/2022/05/13/coffee-county-misty-hampton-election/>
<https://www.thedailybeast.com/how-a-coffee-county-gop-chair-coordinated-a-voting-machine-breach>
<https://www.washingtonpost.com/investigations/2022/06/12/coffee-county-georgia-dominion-breach/>